

**Town of New Scotland
Special Town Board Meeting
June 26, 2019**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Adam Greenberg Daniel Leinung William Hennessy Arrived at 6:06 PM Patricia Snyder
Highway Superintendent:	Kenneth Guyer
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

1. Call to Order

Supervisor LaGrange called the meeting to order at 6:00 PM.

2. Pledge of Allegiance

3. Discussion/Action re: Proposed Local Law C of 2019 amending zoning law in relation to solar facilities.

Councilperson Greenberg said that this has been going on for a few months. We've done SEQR and we held our public hearing. We were just waiting to hear back from the County. We heard from them and they are deferring to local, so we are at the point where we can have a vote on it.

Resolution 2019-144

Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Local Law C of the year 2019.

Councilperson Leinung seconded the motion. All present and voting, the motion carried (4 Ayes).

4. Discussion/Action: Grant application for Hilton Barn and Hilton Park Improvements

Supervisor LaGrange said that we have the proposal from Barton & Loguidice. This is a task order to help with the application that Ms. Stolzenburg is doing for work on the Hilton Barn and the park.

Resolution 2019-145

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby enter into this task order for technical service with Barton & Loguidice for up to \$1,500 toward the Hilton Barn and Park improvement grant application and authorizes the Supervisor to sign it.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes).

HILTON PARK AND BARN IMPROVEMENT

Resolution 2019-145

Supervisor LaGrange offered the following resolution and moved its adoption:

WHEREAS, the Town wishes to apply to the New York State Office of Parks, Recreation, and Historic Preservation for certain projects and improvements, and intends to accept the funds if the grant is awarded; and

WHEREAS, the Town acknowledges the local match requirement and agrees to provide for that match with in-kind and cash contributions.

NOW, THEREFORE, BE IT RESOLVED, that Douglas LaGrange, as Supervisor of the Town of New Scotland, is hereby authorized and directed to submit an application and directed to accept funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions

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of Title 9 of the Environmental Protection Act of 1993, and enter into and execute a project agreement with the State for such financial assistance to the Town of New Scotland for the Hilton Park and Barn improvements upon final Town Board approval of financial commitments.

Councilperson Snyder seconded the motion. All present and voting, the motion carried (4 Ayes).

5. Discussion/Action re: Intermunicipal Agreement and Amendment/Addendum #3 to Sewer Agreement, dated March 23, 2005 (Heldervale Sewer District)

Attorney Naughton said that this is the third amendment we've done to this intermunicipal agreement and it relates to the Heldervale Sewer District. As you may recall in connection with the Toby Lane-Maxim subdivision project, there was a request to extend the Heldervale Sewer District extension down Mason Lane to cover the four lots Maxim and the adjoining parcel which is owned by Rowland and Novotny. We did approve an order extending that district. Our agreement with Bethlehem required that they approve district extensions. Bethlehem Town Board has now done that and signed the addendum we prepared, and now we need to just approve this addendum also saying it will be governed in the same way as any other districts within Heldervale and any extensions under our intermunicipal agreement.

Resolution 2019-146

Supervisor LaGrange offered the following resolution and moved its adoption:

WHEREAS, ON March 23, 2005, the Town of Bethlehem and Town of New Scotland entered into a written Agreement (the "Sewer Agreement") concerning the Town of Bethlehem accepting for treatment at its waste water treatment facility waste water from the Heldervale Sewer District as well as Extension 1 through 4 thereof; and

WHEREAS, on December 9, 2009, the parties amended the sewer Agreement pursuant to an Amendment of Sewer Agreement, dated December 9, 2009, to cover the Heldervale Sewer District Extension No. 5, containing approximately 6.79 acres of land on Route 85 in the town of New Scotland to service a 30-unit residential subdivision project and a commercial unit; and

WHEREAS, on October 21, 2015, the town of New Scotland approved; (A) Heldervale Sewer District Extension No. 6; (B) Heldervale Water District Extension No. 9 in connection with the "Creekside" residential subdivision project and certain neighboring properties described and depicted in the Orders establish such district extensions, and the parties amended the sewer Agreement pursuant to Amendment/Addendum #2, dated as of March 2016; and

WHEREAS, the Sewer Agreement, as amended by: (A) the Amendment of Sewer Agreement, dated December 9, 2009; and (B) Intermunicipal Agreement and Amendment/Addendum #2 to Sewer Agreement shall be referred to in this Addendum #3 as the "**Agreement**".

WHEREAS, on October 10, 2019, the town Board of New Scotland approved an Order extending the Heldervale Sewer district, which is enumerated Extension #7. Extension #7 relates to the Maxim Real Estate Development, LLC, four 94) lot residential subdivision(the "Project") on "Toby Lane"/Mason Lane in the Town of New Scotland, New York, and a neighboring parcel; and

WHEREAS, the Town of Bethlehem has determined that it has sufficient capacity to accept waste water for the residential properties encompassed by the Project, and the neighboring property encompassed by Heldervale Sewer District Extension #7;

WHEREAS, it is the intention of the parties that the property described in the Extension Order annexed as **Exhibit 1** to this Addendum be included within the Sewer Agreement;

NOW, THEREFORE, in consideration of the promises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed that pursuant to paragraph 6 € of the March 23, 2005, Sewer Agreement, the properties described in the Extension Order appended hereto as **Exhibit 1** shall be, and hereby are, covered by the Agreement (as amended) on the same terms and conditions set forth in the Agreement. This Addendum to the Sewer Agreement shall expire on the same date the Agreement expires.

It is further resolved that the Supervisor is authorized to sign this.

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Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes)

Councilperson Hennessy arrived at 6:06 PM.

Attorney Naughton said that he should make a record also that we had requested that Bethlehem agree to provide water for the same Maxim development subdivision. It was already within the district; however, we did a map, plan, and report for mapping purposes, and Stantec provided that information to DPW at Bethlehem that we weren't asking for an increase of the limit we have on water for Heldervale and, therefore, Bethlehem advised us that they decided they didn't need any further written approval of that. So the Maxim project is ready from a water and sewer point of view to go forward.

Supervisor LaGrange noted that this meeting was legally noticed.

6. Discussion/Action re: extending time period in which Court Clerk may work additional hours if needed, per resolution 2019-103 as amended.

Supervisor LaGrange said that the justices are still working to figure out how they are going to address being short one clerk. They've done some interviews and they asked a couple of the applicants to come on, but they eventually declined. They need a little more time. Mrs. Thompson's time runs out at the end of this month for those extra hours.

Resolution 2019-147

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby extend the court clerk's time up to July 31st with all of the same parameters as before.

Councilperson Snyder seconded the motion. All present and voting, the motion carried (5 Ayes).

7. Resolution authorizing implementation and funding of federal-aid project and appropriating funds therefore.

Highway Superintendent Guyer said that he grabbed the wrong resolution last month. This is the same resolution that we did for the design on Krumkill. He pulled up the wrong resolution and plugged in the new numbers. The difference is that if you look at the second "WHEREAS" that says: "WHEREAS, the Town of New Scotland desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/CI work." The one that we looked at on the 12th said "preliminary design." There is one more of those in there too where it says "preliminary design" and it was supposed to say "Design and Construction/CI work." The numbers are all the same. Nothing else changed. He just pulled the wrong one. Supervisor LaGrange asked Attorney Naughton if this is a whole new resolution or is it amending the previous. Attorney Naughton said that there is no harm in the old resolution because it's approving preliminary design work that's already been done. We will just approve this resolution and it will take care of it.

RESOLUTION 2019-148

Councilperson Hennessy offered the following resolution and moved its adoption:

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs of a transportation federal-aid project and appropriating funds therefore.

WHEREAS, a Project for Krumkill Road Improvements, Town of New Scotland, Albany County, P.I.N. 1760.30 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of New Scotland desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/CI work.

NOW, THEREFORE, the Town Board, duly convened does hereby

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RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of New Scotland to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/CI work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$28,800.00 (Twenty-Eight thousand Eight Hundred dollars and no cents) has hereby been appropriated from Highway DB and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$393,402.00 (Three hundred Ninety-three thousand Four hundred Two dollars and no cents) has hereby been appropriated from Highway DB and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of New Scotland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of New Scotland be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of New Scotland with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid- and state aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (5 Ayes).

Councilperson Greenberg asked if there is start date. Highway Superintendent Guyer said "not yet." He had to get this corrected and we are waiting on the final contract. Attorney Naughton is reviewing it to make sure it's okay, and then we will sign it. Prime Highway, the contractor, will sign it, and at that point we can have a pre-construction meeting and set a date. We are not there but we are close. Highway Superintendent Guyer added that for the public this resolution is saying we have to front the money for the project and 80% will come back from the Federal Government. Of the 20% non-federal share, we are responsible for 5% because we have 15% coming from NYS Marchiselli Funding.

Executive Session

Councilperson Greenberg recommended a quick Executive Session on a personnel matter.

Resolution 2019-149

Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve an Executive Session to discuss a personnel matter

Councilperson Leinung seconded the motion. All present and voting, the motion carried (4 Ayes).

Executive Session began at 6:16 PM.

Supervisor LaGrange made a motion to adjourn Executive Session at 6:34 PM, seconded by Councilperson Leinung.

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No action was taken during Executive Session.

8. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Leinung. The meeting adjourned at 6:35 PM.